TWENTY-SIXTH DAY

(Thursday, March 4, 1993)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Leedom.

A quorum was announced present.

Betsy Ungermann, Seminarian, Episcopal Seminary of the Southwest, Austin, offered the invocation as follows:

O God, the strength of all who put their trust in You: Mercifully accept our prayers; we beseech You, in every heart the true love of peace, that You would guide with Your wisdom those who take counsel for our state, nation, and all the nations of the earth. Grant, O Lord, today, Your watch over this body as they deliberate on the concerns and matters of our state. Make us always thankful for Your loving providence; and grant that we, remembering the account that we must one day give, may be faithful stewards of Your good gifts. Through Christ our Lord. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Harris of Dallas, Senator Leedom was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 73

On motion of Senator Bivins and by unanimous consent, Senator Rosson will be shown as Co-author of S.B. 73.

CO-AUTHOR OF SENATE BILL 292

On motion of Senator Rosson and by unanimous consent, Senator Zaffirini will be shown as Co-author of S.B. 292.

CO-AUTHOR OF SENATE BILL 457

On motion of Senator Bivins and by unanimous consent, Senator Luna will be shown as Co-author of S.B. 457.

CO-AUTHORS OF SENATE BILL 496

On motion of Senator Rosson and by unanimous consent, Senators Luna and Madla will be shown as Co-authors of S.B. 496.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction and referral of bills and resolutions on first reading would be postponed until the end of today's session.

MESSAGE FROM THE HOUSE

House Chamber March 4, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 783, Relating to the powers and duties of the Automobile Theft Prevention Authority.

Respectfully,

BETTY MURRAY, Chief Clerk House of Representatives

RESOLUTION SIGNED

The President announced the signing of the following enrolled resolution in the presence of the Senate:

S.C.R. 33

GUESTS PRESENTED

Senator Rosson was recognized and introduced a group of students and their teachers from Fabens High School in El Paso.

The Senate welcomed these guests.

SENATE BILL 509 REREFERRED

On motion of Senator Sims and by unanimous consent, S.B. 509 was withdrawn from the Committee on Education and was rereferred to the Committee on Finance.

(Senator Harris of Tarrant in Chair)

SENATE BILL 585 REREFERRED

On motion of Senator Truan and by unanimous consent, S.B. 585 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Finance.

(President in Chair)

HOUSE CONCURRENT RESOLUTION 53

Senator West offered the following resolution:

H.C.R. 53, Extending an invitation to President Bill Clinton to address a joint session of the Senate and House of Representatives of the State of Texas.

The resolution was read.

On motion of Senator West and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE BILL 501 ON SECOND READING

Senator Haley moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 501 be taken up for consideration at this time:

S.B. 501, Relating to the creation, administration, powers, duties, operation, and financing of the Polk County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom,

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 501 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 501 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 84 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 84 be taken up for consideration at this time:

S.B. 84, Relating to the enforcement of support orders for children and the issuance of insurance coverage for certain persons subject to a medical support order for a child; providing a penalty.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 84 as follows:

(1) On line 27, page 2, delete the rest of the section after "covered person." and add "On receipt of the medical support order by the

employer, the child shall be automatically enrolled for a 31 day period following the receipt of the order by the employer. On receipt of the order by the employer, the employer shall notify the insurer of such automatic enrollment. During the 31 day period, the policyholder shall apply for coverage for the child in accordance with the medical support order. An insurer affected by this provision shall not require the policyholder to provide evidence of the insurability of the child.

- (2) After line 23 on page 6, add: (K) An accident and sickness insurance policy that provides coverage for the immediate family or children of a person insured under the policy may not exclude from coverage or limit coverage to a child of the insured solely because the child is adopted. For the purposes of this subsection, a child is considered to be the child of an insured if:
- [(1)] the insured is a party in a suit in which the adoption of the child by the insured is sought[, and
- [(2) the insured has custody of the child under a temporary court order that grants to the insured conservatorship of the child].
 - (3) After line 24, page 7 add a new section to the bill.

Section Subsection (c) Section 3D Article 3.51-6, Section 3D, Insurance Code, is amended to read as follows:

- (c) For the purpose of this section, a child is considered to be the child of an insured if:
- [(1)] the insured is a party in a suit in which the adoption of the child by the insured is sought[; and
- [(2) the insured has custody of the child under a temporary court order that grants to the insured conservatorship of the child].
 - (4) On page 11, line 10 replace "publish in" with "distribute to"
- (5) On page 11, line 15 and 16 replace "publish in" with "distribute to"
 - (6) On page 12, line 8 delete "attorney general or"

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 84 as follows:

- (1) Delete Article 2 from page 8, line 10 through page 13, line 20.
- (2) Add new Article 2 to read as follows:

ARTICLE 2. ENFORCEMENT OF CHILD SUPPORT ORDERS AFFECTING LICENSE HOLDERS AND MISCELLANEOUS ENFORCEMENT PROVISIONS

SECTION 2.01. Subchapter B, Chapter 14, Family Code, is amended by adding Sections 14.52, 14.53 and 14.54 to read as follows:

Sec. 14.52. LICENSE WITHHOLDING AND REVOCATION. (a) The attorney general, a private attorney representing an obligee, or the obligee may petition a licensing agency for revocation of an obligor's license

because of the obligor's child support delinquency. Not later than the 30th day after the date on which the agency receives the petition, the agency shall convene an administrative hearing to determine if the obligor is 30 or more days delinquent. After notice and opportunity for hearing, the licensing agency shall revoke the obligor's license unless the obligor provides evidence that an agreement to pay arrearages has been approved by the court of continuing jurisdiction. A licensing agency may not reinstate a license revoked under this subsection unless the obligor provides proof of full payment of all arrearages or proof that an agreement to pay the arrearages has been approved by the court of continuing jurisdiction.

- (b) Each applicant for a license or license renewal shall state in writing under oath at the time of such application that the applicant is not 30 days or more delinquent in providing child support or that the applicant is in compliance with a written repayment agreement or court order as to any delinquency which does exist.
 - (c) The attorney general shall adopt rules to implement this section.
 (d) In this section:
- (1) "License" means a permit, certificate, or similar form of permission issued by a licensing agency that is required by law to:
 - (A) engage in a profession or occupation; or
 - (B) sell a regulated commodity.

(2) "Licensing agency" means a board, commission, department, or other agency in the executive or judicial branch of state government that issues or renews a license either directly or through a private entity.

Sec. 14.53. DRIVER'S LICENSE WITHHOLDING AND REVOCATION. The attorney general and the Department of Public Safety may by rule establish a procedure for the denial or suspension of the driver's license of any individual who is 30 days or more delinquent in providing child support. Such rule shall include provisions for verification, temporary licenses and judicial review of delinquency. Denial or suspension of licenses pursuant to such rule shall be governed by this statute and the rule, not by the general licensing provisions of Chapter 173, Acts of the Regular Session, 1941. Article 6687b. Vernon's Texas Civil Statutes.

Sec. 14.54. INELIGIBILITY TO RECEIVE STATE GRANTS OR LOANS OR BID ON STATE CONTRACTS. (a) A child support obligor who is 30 or more days delinquent in paying child support is not eligible to:

- (1) submit a bid or enter into a contract to provide or otherwise provide property, materials, or services under a contract with the state; or (2) receive a state-funded grant or loan.
- (b) A delinquent obligor ineligible to bid on state contracts under Subsection (a)(1) of this section includes any sole proprietor, partner, officer, majority shareholder, or owner of a partnership, corporation, or other entity.
- (c) A child support obligor shall remain ineligible to submit a bid on a state contract or apply for a state-funded grant or loan under Subsection (a) of this section until:

- (1) all arrearages have been paid; or
- (2) the obligor is in compliance with a written repayment agreement or court order as to any delinquency which does exist.
- (d) All bidders for state contracts or applicants for state-funded loans or grants under Subsection (a) of this Section shall submit a signed sworn statement accompanying any bid or application for grant or loan affirming that they are not 30 or more days delinquent in providing child support pursuant to a court order or a written repayment agreement.
- (e) The attorney general may adopt rules or prescribe forms to implement any provision of this section.
- SECTION 2.02. Subsections (a) and (b), Section 403.055, Texas Government Code, are amended to read as follows:
- (a)(1) Except as provided by Subsection (a)(3) the comptroller may not issue a warrant to a person if the person is indebted or owes delinquent taxes to the state, or owes delinquent taxes under a tax that the comptroller administers or collects, until the debt or taxes are paid.
- (2) Except as provided by Subdivision (a)(3) the comptroller may not issue a warrant to a person if the person owes past-due child support for which an assignment has been made to the attorney general pursuant to either Section 76.003 or 76.004, Human Resources Code.
- (3) The comptroller may issue a warrant to a person owing past-due child support for which an assignment has been made to the attorney general pursuant to either Section 76.003 or 76.004. Human Resources Code, for all or a portion of the amount otherwise payable to the person only on authorization of such warrant by the attorney general based on a resolution, in whole or in part, of such past-due child support acceptable to the attorney general.
- (b)(1) The comptroller may issue a warrant to the assignee of a person who is indebted or owes delinquent taxes to the state and who does not owe past-due child support for which an assignment has been made to the attorney general pursuant to either Section 76.003 or 76.004. Human Resources Code, only if the assignment became effective before the person became indebted to the state or delinquent in the payment of taxes to the state.
- (2) The comptroller may issue a warrant to the assignee of a person who owes past-due child support for which an assignment has been made to the attorney general pursuant to either Section 76.003 or 76.004. of the Human Resources Code only in the event that the attorney general is the assignce to whom the warrant is issued.

SECTION 2.03. Section 77.001, Human Resources Code, is amended to read as follows:

Sec. 77.001. DESIGNATED STATE AGENCY. (a) The state agency designated to administer a statewide plan for child support may establish and conduct a parent locator service which shall be used to obtain information as to the whereabouts, income, and holdings of any person when such information is to be used for the purposes of locating such person and establishing or enforcing a support or medical support obligation against such person.

- (b) The designated state agency shall be entitled to [may] request and obtain such information from state and local government agencies, private companies, institutions, or other entities as deemed necessary to carry out the provisions of this Act. Such government and private entities shall furnish any information so requested and known to such entity to the designated agency unless state or federal law specifically provides that such information shall not be disclosed to the designated agency office [,except to the extent such information is made nondisclosable by law].
- (c) The designated agency may issue an administrative subpoena to any individual or organization to furnish such information as deemed necessary to carry out the provisions in this section and such individual or organization shall comply in the manner required by the subpoena.

[(c)](d) The furnishing of information provided for in Subsection (a) of this section by state governmental agencies shall include the transmittal of information in the most efficient and expeditious manner available, including electronic or automated transfer and interface.

SECTION 2.04. Subsection (c) Section 14.972(c), Family Code, is amended to read as follows:

(c) The lien attaches to all personal property not exempt under provisions of the Texas Constitution, including all claims for negligence, personal injury, or workers' compensation, including an insurance award for any of those claims, owned by the obligor on or after the date on which the lien attaches.

SECTION 2.05. Section 76.002, Human Resources Code, is amended by adding Subsection (f) to read as follows:

(f) The attorney general shall report to the legislature each biennium on the effectiveness of the attorney general's child support enforcement activity in reducing the state's public assistance obligations. The attorney general shall develop a method for estimating the costs and benefits of the child support enforcement program and the effect of the program on appropriations for public assistance.

The committee amendment was read and was adopted by a viva voce vote.

Senator Harris of Tarrant offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend S.B. 84 as follows:

- (1) Delete Article 1 from page 1, line 6 through page 8, line 9.
- (2) Add new Article 1 to read as follows:

ARTICLE 1. MEDICAL SUPPORT ORDERS FOR CHILDREN

SECTION 1.01. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.042 to read as follows:

Sec. 32.042. INFORMATION REQUIRED FROM HEALTH INSURERS. (a) A health insurer, including a group health services corporation and a health maintenance organization, providing coverage or benefits in this state through an employer, union, trade association, or another organization or source shall maintain a centralized file system that

contains the name, mailing address, social security number, and date of birth of:

- (1) each subscriber, policyholder, or enrollee of the insurer; and
- (2) other persons covered by the insurer.
- (b) The information required to be maintained under Subsection (a) shall be made available on request to the department in the administration of the department's Medicaid third-party recovery functions or to any other agency that performs those functions. A health insurer shall permit data matches with the department or the successor agency to identify state medical assistance recipients with third-party health coverage or insurance.
- (c) The medical assistance identification card of a recipient of medical support shall state whether the recipient is covered by any third-party health coverage. A health care service provider must seek reimbursement from available third-party health coverage before billing the state medical assistance program.

SECTION 1.02. Section 14.061, Family Code, is amended by adding Subsection (r) to read as follows:

(r) For purposes of enrolling a child in a health insurance program under this section, a court order requiring that health insurance be provided for a child is a change in the family circumstances of the covered person equivalent to the birth or adoption of a child by the covered person. Upon receipt of the medical support order by the employer, the child shall be automatically enrolled for a 31 day period following the receipt of the order by the employer. Upon receipt of the order by the employer, the employer shall notify the insurer of such automatic enrollment. During the 31 day period, the policyholder shall apply for coverage for the child in accordance with the medical support order. An insurer affected by this provision shall not require the policyholder to provide evidence of the insurability of the child.

SECTION 1.03. Subsections (1) and (n), Sections 14.43 (1) and (n), Family Code, are amended to read as follows:

(1) Liability and Obligation of Employer for Payments. An employer receiving an order under this section or a writ under Section 14.45 who complies with the order or writ is not liable to the obligor for the amount of income withheld and paid as provided in the order of the writ. An employer who received an order or writ of withholding and who does not comply with the order or writ is liable to the obligee for the amount not paid in compliance with the order or writ, including an amount the obligor is required to pay for health insurance under Section 14.061 of this code. or to the obligor for the amount withheld and not paid and for reasonable attorney's fees and court costs. An employer receiving two or more orders or writs on any named obligor shall comply with every order or writ to the maximum extent possible. If the total amount in the orders or writ exceeds the maximum amount allowable to be withheld under this section, the employer shall pay an equal amount towards the current support portion of all orders or writs until each order is individually complied with, and thereafter equal amounts on the arrearage portion of all orders until each order or writ is complied with, or until the maximum total amount of allowable withholding under Subsection (f) of this section is reached,

whichever occurs first. If an employer is ordered to withhold from more than one obligor, the employer may combine the withheld amounts from the obligors' wages and make a single payment to each appropriate agency requesting withholding if the employer separately identifies the amount of the payment that is attributable to each obligor.

(n) Fine for Employers. In addition to the civil remedies provided by Subsections (l) and (m) of this section or by any other remedy provided by law, an employer who knowingly violates the provisions of those subsections may be subject to a fine not to exceed \$200 [\$50] for each occurrence in which the employer fails to withhold. Any fines recovered under this subsection shall be paid to the obligee and credited against any amounts owed by the obligor.

SECTION 1.04. Subsections (A)(3), (K), (L), and (M)(1), Sec. 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), are amended to read as follows:

- (A) No policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless:
- (1) the entire money and other consideration therefor are expressed therein or in the application, if it is made a part of the policy; and
- (2) the time at which the insurance takes effect and terminates is expressed therein; and
- (3) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policy holder, any two or more eligible members of that family, including husband, wife, dependent children, including a dependent grandchild of the policy holder who is less than 21 years old and living with and in the household of the policy holder, or any children under a specified age which shall not exceed twenty-five years, a child the policy holder is required to insure under a medical support order issued under Section 14.061. Family Code, or enforceable by a court in this state, and any other person dependent upon the policy holder; and
- (4) the style, arrangement and over-all appearance of the policy gives no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers (except copies of applications and identification cards) are plainly printed in lightfaced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions); and
- (5) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in Section 3 of this Act, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "Exceptions" or "Exceptions and Reductions"; provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement

of such exception or reduction shall be included with the benefit provision to which it applies; and

- (6) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page thereof; and
- (7) it contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of, or reference to, a statement of rates or classification of risks, or shortrate table filed with the Board; and
- (8) it shall have printed thereon or attached thereto a notice stating in substance that the person to whom the policy is issued shall be permitted to return the policy within ten (10) days of its delivery to such person and to have the premium paid refunded if, after examination of the policy, such person is not satisfied with it for any reason. If such person pursuant to such notice, returns the policy to the insurer at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. This subdivision shall not apply to single premium nonrenewable policies.
- (K) An accident and sickness insurance policy that provides coverage for the immediate family or children of a person insured under the policy may not exclude from coverage or limit coverage to a child of the insured solely because the child is adopted. For the purpose of this subsection, a child is considered to be the child of an insured if:
- [(1)] the insured is a party in a suit in which the adoption of the child by the insured is sought, [and
- [(2) the insured has custody of the child under a temporary court order that grants to the insured conservatorship of the child].
- (L) An individual or group policy of accident and sickness insurance that is delivered, issued for delivery, or renewed in this state, including a policy issued by a company subject to Chapter 20, Insurance Code, and evidence of coverage issued by health maintenance organization subject to the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), that provides coverage for a child of the policyholder, must provide coverage upon payment of a premium for any children of the policyholder's child if those children are dependents of the policyholder for federal income tax purposes or for a child for whom the group member or insured must provide medical support under an order issued under Section 14.061, Family Code, or enforceable by a court in this state.
- (M)(1) A group or individual accident and sickness insurance policy that provides coverage for dependent children of a group member or a person insured under the policy may not exclude from or discontinue coverage or set a different premium for the natural born or adopted child of the group member or person insured or for a child for whom the group member or insured must provide medical support under an order issued under Section 14.061. Family Code, or enforceable by a court in this state for either of the following reasons:

- (a) the child does not reside with the group member or insured; or
- (b) the group member or insured does not claim the child as an exemption for federal income tax purposes under Section 151 (c)(1)(B), Internal Revenue Code of 1986 (26 U.S.C. Section 151(c)(1)(B)).
- (2) A group or individual accident and sickness insurance policy that provides coverage for dependent children of a group member or a person insured under the policy may not exclude from or discontinue coverage or set a different premium for the natural born or adopted child of the spouse of the group member or person insured, provided that the child resides with the group member or person insured.
- (3) Other policy provisions relating to maximum limiting attained age and enrollment in school may be used to establish continued eligibility for coverage of a dependent child. In the event of late enrollment, the insurance company may require evidence of insurability satisfactory to the company before inclusion of the dependent child for coverage under the policy.

SECTION 1.05. Subsection (c), Section 3D, Article 3.51-6, Insurance Code, is amended to read as follows:

- (c) For the purposes of this section, a child is considered to be the child of an insured if [:
- [(1)] the insured is a party in a suit in which the adoption of the child by the insured is sought[; and
- [(2) the insured has custody of the child under a temporary court order that grants to the insured conservatorship of the child].

SECTION 1.06. Article 21.07-6, Insurance Code, is amended by adding Section 25 to read as follows:

Sec. 25. COVERAGE FOR CERTAIN CHILDREN. Each administrator operating under a certificate of authority who adjusts or settles claims in connection with health benefits must provide coverage upon payment of a premium for any children of the plan member's child if those children are dependents of the plan member for federal income tax purposes or for a child for whom the plan member must provide medical support under an order issued under Section 14.061. Family Code, or enforceable by a court in this state and may not exclude from or discontinue coverage or set a different premium for the natural born or adopted child of the plan member.

SECTION 1.07. (a) This article applies only to an order in a suit affecting the parent-child relationship or reciprocal child support action entered on or after the effective date of this Act. An order entered before the effective date of this Act is governed by the law in effect on the date the order was entered, and that law is continued in effect for that purpose.

(b) This article applies only to a policy delivered, issued for delivery, or renewed on or after January 1, 1994. A policy delivered, issued for delivery, or renewed on or before that date is governed by the law that existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 84 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 84 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 292 ON SECOND READING

Senator Rosson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 292 be taken up for consideration at this time:

S.B. 292, Relating to the certification and duties of certain peace officers as special officers for mental health assignment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time.

Senator Rosson offered the following committee amendment to the bill:

Committee Amendment

Amend S.B. 292 as follows:

On page 1, line 9, insert the following between the comma and "or": justice of the peace, constable.

The committee amendment was read and was adopted by a viva voce vote.

Senator Rosson offered the following amendment to the bill:

Floor Amendment

Amend S.B. 292 as follows:

(1) In the introductory language of SECTION 3 (Committee Printing page 1, line 59), strike "and (f)" and substitute ", (f), and (g)".

(2) In SECTION 3 of the bill, in the added Subsection (f) (Committee Printing page 2, line 8), strike "shackled" and substitute "physically restrained".

(3) In SECTION 3 of the bill, in the added Subsection (f) (Committee Printing page 2, line 10), after the period, insert "If the treating physician or the person transporting a patient determines that physical restraint of the patient is necessary, that person shall document the reasons for that determination and the duration for which the restraints are needed. The person transporting the patient shall deliver the document to the facility

at the time the patient is delivered. The facility shall include the document

- in the patient's clinical record.".

 (4) In SECTION 3 of the bill, after the added Subsection (f) (Committee Printing page 2, line 10), insert:
- (g) The person transporting the patient shall give the patient reasonable opportunities to get food and water and to use a bathroom.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Rosson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 292 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 292 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 270 ON SECOND READING

Senator Rosson moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 270 be taken up for consideration at this time:

S.B. 270, Relating to the form in which a person may provide a copy, summary, or narrative of a patient's medical records.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 270 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 270 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 196 ON SECOND READING

Senator Carriker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 196 be taken up for consideration at this time:

S.B. 196, Relating to the residency and certain duties of public weighers.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 196 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 196 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 157 ON SECOND READING

Senator Carriker moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 157 be taken up for consideration at this time:

C.S.S.B. 157, Relating to peace officers of medical facilities in certain municipalities.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 157 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 311 ON SECOND READING

Senator Harris of Tarrant moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 311 be taken up for consideration at this time:

C.S.S.B. 311, Relating to certain investigations regarding the physical health or safety of a child.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend C.S.S.B. 311, SECTION 1., Sec. 17.031. NOTICE TO PARENT OR GUARDIAN. (a) by striking the words "the child's parent or legal guardian" after the word "notify" and inserting instead: "each parent of the child and the child's legal guardian if one has been appointed";

and

SECTION 2. Sec. 34.055 by striking after the word <u>"examination"</u> the words <u>"notify the child's parent or other person having legal custody of the child"</u> and inserting instead the words <u>"notify each parent of the child and the child's legal guardian if one has been appointed"</u>

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Harris of Tarrant and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 311 ON THIRD READING

Senator Harris of Tarrant moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 311 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 113 ON SECOND READING

Senator Brown moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 113 be taken up for consideration at this time:

S.B. 113, Relating to the review of the uniform general conditions of state building construction contracts.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time.

Senator Brown offered the following committee amendment to the bill:

Committee Amendment

Amend S.B. 113 as follows:

On page 2, line 1, strike the word "and".

On page 2, line 3, insert the following between "Texas" and the period:

and two persons appointed by the commission from a list of Texas nominees submitted to it by the Executive Secretary of the Building and Construction Trades Council

The committee amendment was read and was adopted by a viva voce vote.

Senator Brown offered the following amendment to the bill:

Floor Amendment

Amend S.B. 113, SECTION 1, by deleting Subsection (b) and inserting the following:

(b) The commission shall cause the uniform general conditions of state building construction contracts to be reviewed whenever in its opinion such review is desirable, but in no event less frequently than once every five years. The review shall be made by a committee appointed by the commission consisting of the director of facilities construction and space management, who shall serve ex officio as chairman of the committee and who shall vote only in the event of a tie; one person [two persons] appointed by the commission from a list of nominees submitted to it by the President of the Texas Society of Architects; one person [two persons] appointed by the commission from a list of nominees submitted to it by the President of the Texas Society of Professional Engineers; one person [two persons] appointed by the commission from a list of nominees submitted to it by the Chairman of the Executive Council of the Texas Associated General Contractors Chapters; one person [and two persons] appointed by the commission from the list of nominees submitted to it by the Executive Secretary of the Mechanical Contractors Associations of Texas, Incorporated; one person appointed by the commission from a list of nominees submitted to it by the Executive Secretary of the Texas Building and Construction Trades Council: one person appointed by the commission from a list of nominees submitted to it by the President of the Associated Builders and Contractors of Texas: one person appointed by the commission from a list of nominees submitted by the Executive Director of the National Association of Minority Contractors residing in Texas; one person appointed by the commission representing an institution of higher education, as defined by Section 61.003, Education Code: one person appointed by the commission representing a state agency that is undertaking a substantial construction project at the time of appointment: and one person appointed by the commission representing the attorney general's office. Members of any review committee appointed pursuant to this subsection shall serve without compensation but may be reimbursed for their necessary and actual expenses.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 113 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B.** 113 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

CAPITOL PHYSICIAN

The "Doctor for the Day," Dr. Leonard G. Paul of San Antonio, was introduced to the Senate by Senator Zaffirini.

The Senate expressed appreciation and gratitude to Dr. Paul for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE BILL 271 ON SECOND READING

Senator Barrientos moved that the regular order of business, Senate Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that S.B. 271 be taken up for consideration at this time:

S.B. 271, Relating to the authority of the Railroad Commission of Texas to implement conservation and distribution plans for alternative fuels.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 271 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 271 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 272 ON SECOND READING

Senator Barrientos moved that the regular order of business, Senate

Rule 7.13 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 272 be taken up for consideration at this time:

C.S.S.B. 272, Relating to the authority of the Railroad Commission of Texas to apply for and receive money and other assistance for activities relating to alternative fuels research and education.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 272 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 272 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate agreed to adjourn, upon completion of the introduction and referral of bills and resolutions on first reading, until 11:00 a.m. Monday, March 8, 1993. The Senate further agreed to grant committees permission to meet during the referral of bills and resolutions on first reading.

SENATE BILLS ON FIRST READING

By unanimous consent, the following bills were introduced, read first time, and referred to the committees indicated:

S.B. 589 by Moncrief

Relating to the Health Care Provider Referral Act; providing penalties for offenses and violations.

S.B. 590 by Shelley, Lucio

Jurisprudence

Relating to the disposition of stolen property.

S.B. 591 by Luna

Education

Relating to prohibiting certain employment of former board of trustees members of public junior colleges.

S.B. 592 by Harris of Dallas, Parker Economic Development Relating to the regulation of certain staff leasing services; providing penalties.

S.B. 593 by Turner Intergovernmental Relations Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

S.B. 594 by Whitmire Intergovernmental Relations Relating to the firemen's relief and retirement fund in certain

municipalities.

S.B. 595 by Whitmire

State Affairs

Relating to the disclosure of certain information before the sale or lease of real property.

S.B. 596 by Henderson, Haley

Jurisprudence

Relating to the requirement that the chief justice deliver a state of the judiciary message to the legislature.

S.B. 597 by Ellis

State Affairs

Relating to the regulation of riverboat casino gaming; the creation, powers, and duties of the Texas Riverboat Gaming Commission; the installation of certain gaming devices at certain licensed racetracks; authorizing certain taxes; providing penalties.

S.B. 598 by Armbrister Intergovernmental Relations Relating to the registration of animal shelters with the Texas Department of Health.

S.B. 599 by Lucio

Criminal Justice

Relating to the exoneration and forfeiture of bail.

S.B. 600 by Patterson

Criminal Justice

Relating to the admissibility into evidence of a recording of an oral statement of a child who is the victim of certain crimes.

S.B. 601 by Lucio

Criminal Justice

Relating to the forfeiture and remittitur of bail; providing certain fees.

S.B. 602 by Lucio

Economic Development

Relating to inspection of certain buildings in certain coastal counties.

S.B. 603 by Lucio

Natural Resources

Subcommittee on Agriculture

Relating to the authority of an agricultural marketing association to deal in nonmember products and supplies.

S.B. 604 by Lucio

Economic Development

Relating to the use of a solicitor by certain law enforcement organizations; providing criminal and civil penalties.

S.B. 605 by Parker

Economic Development

Relating to avoidance of liability by correction of certain violations of state credit law.

S.B. 606 by Patterson

State Affairs

Relating to the liability of certain transportation entities providing public transportation.

S.B. 607 by Parker

Education

Relating to notification by school districts to parents concerning a teacher teaching a subject the teacher is not certified to teach.

S.B. 608 by Parker

Criminal Justice

Relating to the regulation of polygraph examiners and the transfer of certain functions regulating polygraph examiners to the Commission on Law Enforcement Officer Standards and Education.

S.B. 609 by Armbrister

Intergovernmental Relations

Relating to the authority of cities, towns and other political subdivisions of the state to regulate pesticides and pesticide use.

S.B. 610 by Henderson

Criminal Justice

Relating to the composition of a county bail bond board.

S.B. 611 by Montford

Criminal Justice

Relating to security devices for certain rental dwellings; providing civil penalties.

S.B. 612 by Montford

Criminal Justice

Relating to removing the Texas Youth Commission from the list of health and human services agencies.

S.B. 613 by Montford

Criminal Justice

Relating to the creation of the offense of criminal street gang activity and the punishment and sentencing of persons convicted of offenses committed for the benefit of, at the direction of, or in association with a criminal street gang.

S.B. 614 by Montford

State Affairs

Relating to definitions and penalties under the Texas Commercial Driver's License Act.

S.B. 615 by Rosson

Education

Relating to a recreational facility fee at The University of Texas at El Paso.

S.B. 616 by Haley

Natural Resources Relating to certain devices used to protect nursery stock and the registration and inspection of those devices when used for commercial purposes.

S.B. 617 by Haley

Education

Relating to transfer of the functions of the Legislative Education Board to the Legislative Budget Board.

S.B. 618 by Montford, Barrientos, Luna,

Finance

Lucio, Madla, Rosson, Truan, Zaffirini

Relating to authorizing the issuance of tuition revenue bonds for certain public institutions of higher education in this state.

S.B. 619 by Madla

State Affairs

Relating to requiring video surveillance equipment at certain retail establishments selling alcoholic beverages.

S.B. 620 by Whitmire

Intergovernmental Relations

Relating to the term of office of a municipal judge.

(Senator Truan in Chair)

CONGRATULATORY RESOLUTIONS

- S.R. 370 By Turner: Congratulating Overton Smith of Rockdale on the occasion of his 91st birthday.
- S.R. 371 By Turner: Recognizing Dr. Charles Holloway, who was presented with the "Citizen of the Year" award by the Groesbeck Chamber of Commerce.
- S.R. 372 By Turner: Recognizing Aleece McBay, who was designated "Woman of the Year" by the Groesbeck Chamber of Commerce.
- S.R. 373 By Zaffirini: Commending Doctors Hospital Home Health Agency for its grand opening on March 4, 1993.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 9:40 a.m. adjourned until 11:00 a.m. Monday, March 8, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

March 3, 1993

EDUCATION — S.B. 218 (Amended), C.S.S.B. 318, S.B. 426, S.B. 419, C.S.S.B. 177

TWENTY-SEVENTH DAY

(Monday, March 8, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Ann Normand, Seminarian, Presbyterian Theological Seminary, Austin, offered the invocation as follows: